

US EPA ARCHIVE DOCUMENT

north to a point on land located approximately at Latitude 33-59.2 N., Longitude 119-35.5 W., then returning along the shore to the beginning point.

(b) No person may swim, skin dive or scuba dive in the waters within the safety zone without prior permission of the Captain of the Port.

(c) No vessel may navigate, transit, fish, anchor or drift in the waters within the safety zone without prior permission of the Captain of the Port.

(d) Any vessel within the zone shall follow the directions of the patrolling Coast Guard cutter. If instructed to leave, the vessel will do so immediately.

(e) Vessels may obtain a numbered clearance from the Marine Safety Office to enter the zone at times when operations permit. Any vessel may request, at least 24 hours in advance, permission to enter the area using the clearance. The Captain of the Port will grant permission, as operations permit, on a daily basis. Any person interested in obtaining permits should contact on of the following Coast Guard units for details:

- (1) Port Operations Department, Coast Guard Marine Safety Office Los Angeles/Long Beach, Phone: (213) 590-2315
- (2) Coast Guard Station Channel Island, Harbor Oxnard, California, Phone: (805) 985-9822
- (3) Coast Guard Marine Safety Detachment, Santa Barbara, California, Phone: (805) 962-7430

(f) This regulation is effective on 25 February 1985 and remains continuously in force until 1 June 1985.

(33 U.S.C. 1225, 1231, 49 CFR 1.46; and 33 CFR 165.3)

Dated: February 25, 1985.

L.E. Beaudin,

Captain, U.S. Coast Guard, Captain of the Port, U.S. Coast Guard.

[FR Doc. 85-5614 Filed 3-7-85; 8:45 am]

BILLING CODE 4910-14-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[SW-3-FRL-2793-1]

#### District of Columbia, Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Determination on the District of Columbia's Application for Final Authorization.

**SUMMARY:** The District of Columbia has applied for Final Authorization under the authority of the Resource Conservation and Recovery Act (RCRA). EPA has reviewed the District's application and has reached a final determination that the District's hazardous waste program satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is granting final authorization to the District to operate its program, subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984.

**EFFECTIVE DATE:** Final authorization for the District of Columbia shall be effective at 1:00 pm on March 22, 1985.

**FOR FURTHER INFORMATION CONTACT:** Wayne Naylor, Program Manager, State Programs Section (3HW31), U.S. EPA Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-3884.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize State hazardous waste programs to operate in lieu of the Federal hazardous waste program. To qualify for Final Authorization, a State's program must (1) be "equivalent" to the Federal program, (2) be consistent with the Federal and other State programs, and (3) provide for adequate enforcement (section 3006(b) of 42 U.S.C. 6926(c)).

On August 6, 1984, the District of Columbia submitted a complete application to obtain Final Authorization to administer the RCRA program. On November 28, 1984, EPA published a tentative decision announcing that the District's hazardous waste program would satisfy all of the requirements necessary for Final Authorization. Further background information appeared in EPA's tentative determination notice (Vol. 49, No. 288 FR 46443, November 28, 1984). Along with the tentative determination, EPA announced the availability of the District's application for public comment and a hearing was scheduled. The public hearing was not held as scheduled on December 27, 1984 since neither EPA nor the District received significant interest in holding the hearing. Therefore, EPA has determined that the District's hazardous waste program satisfies all necessary requirements for Final Authorization.

##### Decision

I conclude that the District's application for Final Authorization

meets all of the statutory and regulatory requirements established by RCRA. Accordingly, the District of Columbia is granted Final Authorization to operate its hazardous waste programs subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984) (HSWA). The District now has the responsibility for permitting treatment, storage and disposal facilities within its borders and for carrying out other aspects of the RCRA program, subject to the HSWA. The District also has the primary enforcement responsibility, although EPA maintains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013 and 7003 of RCRA.

Prior to the HSWA amending RCRA, a State with final authorization administered its hazardous waste program entirely in lieu of the EPA. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted the State was obligated to enact equivalent authority within specified timeframes. New Federal requirements did not take effect in the authorized State until the State adopted the requirements as State law.

Any District requirement that is more stringent than an HSWA provision remains in effect; thus, the universe of the more stringent provisions in the HSWA and the approved State program define the applicable requirements in the District. (The District is not being authorized for any requirement implementing the HSWA.)

EPA will be publishing a Federal Register notice that explains in detail the HSWA and its effect on authorized States. That notice should be referred to for further information.

EPA Region III and the District are currently reviewing the Memorandum of Agreement (MOA) to revise it to address the requirements of the HSWA. The current MOA contains some language that does not reflect the provisions of the HSWA and will be revised to reflect EPA's and the District's respective responsibilities under the new Federal/State regulatory scheme.

#### Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.



### Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of the District's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the District. This rule, therefore, does not require a regulatory flexibility analysis.

### List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and record keeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

### Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C 6912(a), 6926, and 6974(b).

Dated: February 14, 1985.

Stanley L. Laskowski,  
*Acting Regional Administrator.*

[FR Doc. 85-5581 Filed 3-7-85; 8:45 am]

BILLING CODE 5580-50-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Public Land Order 6589

[NM 42705, NM 42706, NM 42707]

#### NM; Public Land Order 6456; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

**SUMMARY:** This document will correct an error in the land description in Public Land Order 6459 of August 16, 1983.

**EFFECTIVE DATE:** March 8, 1985.

#### FOR FURTHER INFORMATION CONTACT:

Pauline Brown, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501, 505-988-6635.

**SUPPLEMENTARY INFORMATION:** By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

The land description in Public Land Order 6459 of August 16, 1983, in FR

Doc. 83-24687 published at page 40725 in the issue of September 9, 1983, is corrected as follows: "On page 40725, second column, the last line of the land description reading "T. 30 S., R. 21 W." should read "T. 30S., R. 22W."

Robert N. Broadbent,

*Assistant Secretary of the Interior.*

February 28, 1985.

[FR Doc. 85-5475 Filed 3-7-85; 8:45 am]

BILLING CODE 4310-84-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 46 CFR Parts 50, 52, 53, 54, 58, 63 and 162

[CGD 81-079]

#### Marine Engineering Regulations for Merchant Vessels; Acceptance of ASME S, E, A and H Symbol Stamps for Power and Heating Boilers

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** These regulations replace the current Coast Guard requirements for plan approved and shop inspection of boilers with requirements that boilers be inspected and stamped in accordance with the American Society of Mechanical Engineers' Boiler and Pressure Vessel Code. These regulations bring Coast Guard requirements for boilers in line with current industry practice and take maximum advantage of an industry safety standard which is recognized throughout the world and an inspection system already in existence. Several boiler and pressure vessel manufacturers have requested a changeover to ASME inspection and stamping because of frequent delays involved in having plan approval and shop inspections performed by the Coast Guard. ASME inspectors are more readily available to perform shop inspections in a timely manner, and the use of registered professional engineers to certify plans will minimize the time needed for Coast Guard pre-installation inspections.

**EFFECTIVE DATE:** These rules become effective May 7, 1985.

**ADDRESSES:** A copy of the final evaluation may be obtained from Commandant (G-CMC/44), (CGD 81-079), U.S. Coast Guard, Washington, D.C. 20593.

**FOR FURTHER INFORMATION CONTACT:** Mr. Howard L. Hime, Office of Merchant Marine Safety, (202) 426-2160.

**SUPPLEMENTARY INFORMATION:** On August 18, 1983 the Coast Guard

published a proposal in the *Federal Register* (48 FR 37441) concerning these regulations. Interested persons were given an opportunity to submit written comments and 12 comments were received. Two of the comments have been adopted and the regulations have been changed to reflect these comments. These changes to the regulations are discussed under the Specific Comments section below.

### Drafting Information

The principal persons involved in drafting this document are Mr. Howard Hime, Project Manager, Office of Merchant Marine Safety, and Lieutenant Commander William B. Short, Project Attorney, Office of Chief Counsel.

### Discussion of Comments

#### General

1. One commenter objected to the proposed regulations citing the lack of requirements for an independent review of the design and that the entire design, construction, and inspection would be under the control of persons not required to have any marine experience. Since 1968, Coast Guard regulations have incorporated the design, construction, and inspection requirements of the ASME Code, modifying the requirements where necessary to account for the marine environment. These regulations extend the adoption of the ASME Code to include certification of boiler plans by a registered professional engineer, inspection by an ASME authorized inspector, and stamping by an ASME accredited manufacturer. Independent review is retained by the requirement for the plans to be certified by a registered professional engineer and submitted to the Coast Guard for review. During the review, those aspects of the boiler design which are peculiar to the marine environment will be analyzed to assure compliance with the regulations. Further, the marine inspector at the shipyard will inspect the boiler to assure compliance with the regulations. The commenter further stated that there is no provision in the proposed rule change for the Coast Guard to receive a copy of the Manufacturer's Data Report Forms. Sections 52.01-145 and 53.10-15 require these forms to be made available to the marine inspector for review.

2. One commenter suggested that certification by The American Bureau of Shipping (ABS) be included as an alternative to ASME inspection and stamping of boilers. This suggestion was not adopted since ABS is permitted to